IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2006

C O R A M

THE HONOURABLE MR. JUSTICE P.SATHASIVAM

WRIT PETITION NO.2389 of 2004
& WPMP No.2698 of 2004

Sakthivel Modern Rice Mill,
rep. by its partner R.Sakthivel,
728, Sivasakthi Nagar,
Sathyamangalam-638 402. ... Petitioner

vs.

1.The State of Tamil Nadu,
rep. by its Secretary,
Industries Department,
Fort St. George,
Chennai-600 009.

2.The General Manager,
District Industries,
Erode.

3.Tamil Nadu Industrial Investment
Corporation ltd.,
692, Anna Salai, Nandanam,
Chennai-600 035.

4.Tamil Nadu Industrial Investment
Corporation Ltd., rep. by its
Branch Manager,
405/1, Perundurai Road,
Erode. .. Respondents

Petition under Article 226 of The Constitution of India to issue a Writ of Mandamus to direct the respondents to consider the representations dated 29.1.2004, 6.11.2003 and 23.9.2003 of the petitioner.

For petitioner ... Mr.P.R.Balasubramanian
For 1st Respondent ... Mr.S.Kandasamy
Special Government Pleader
For 2nd respondent ... No appearance
For respondents 3 & 4 ... Mr.V.Kalyanaraman for
M/s Aiyar & Dolia

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

O R D E R

The petitioner, M/s Sakthivel Modern Rice Mill has filed the above writ petition to issue a writ of Mandamus directing the respondents to consider the representations dated 29.1.2004, 6.11.2003 and 23.9.2003 of the petitioner.

2. Heard the learned counsel for the petitioner as well as the respondents.

3. Though there is specific information regarding the representations said to have been made in the years 2003 and 2004, taking note of the information of the respondents that One Time Settlement Scheme is available up to 31.03.2006, the petitioner is free to avail the same by approaching the respondents.

4. In para 13 of the the counter affidavit, it is stated that all the cheques sent by the petitioner from 2001 to 2006 were dishonoured. According to the learned counsel for the respondents, the outstanding as on date is Rs.55,91,000/- inclusive of principal, interest upto 31.08.2005 and other dues. The learned counsel for the petitioner has stated that pursuant to the direction of this Court, the petitioner has paid a sum of Rs.7,20,000/-.

5. In the light of the above factual information and in view of the fact that one time settlement scheme is available upto 31.03.2006, the petitioner is permitted to make a fresh representation to the second respondent enclosing Demand Draft for a sum of Rs.3,00,000/-(Rupees three lakhs only) within a period of 10 days from the date of receipt of a copy of this order. On receipt of the representation with the Demand Draft as stated above, the second respondent is directed to consider and if one time settlement scheme is available, the same may be intimated to the petitioner at once. It is made clear that if the petitioner fails to make representation with Demand Draft for Rs.3,00,000/- within the time as mentioned above, the respondents are free to proceed further.

6. With the above observations, the writ petition is disposed of. No costs. W.P.M.P.No.2698 of 2004 is closed.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

To

1. The Secretary,
The State of Tamil Nadu,
Industries Department,
Fort St. George,
Chennai-600 009.

2. The General Manager,
District Industries,
Erode.

3. Tamil Nadu Industrial Investment
Corporation Ltd.,
692, Anna Salai,
Nandanam, Chennai 600 035.

4. The Branch Manager,
Tamilnadu Industrial Investment,
Corporation Ltd.,
405/1 perundurai Road,
Erode.

+ 1 cc to Government Pleader SR No.5928
+ 1 cc to M/s Aiyar and Dolia Advocate SR No.5854
+ 1 cc to M/s Balasubramanian, Advocate SR No.5778

MSR(CO)
SR/13.2.2006

W.P.NO.2389 of 2004

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/